

08/10/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 25-13723

NAME AND ADDRESS: UNITED STATES OF AMERICA ACTING THROUGH
USDI FISH AND WILDLIFE SERVICE
DIVISION OF ENGINEERING
911 N E 11TH AVE
PORTLAND OR 97232-4181

SOURCE: UNNAMED STREAM TRIBUTARY: GRAYS LAKE

QUANTITY: 0.500 AFY
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1969

POINT OF DIVERSION:
T04S R43E S35 NESE Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
WILDLIFE STORAGE	1/01 12/31	0.50 AFY

PLACE OF USE: WILDLIFE STORAGE Within BONNEVILLE County
T04S R43E S35 NESE

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

Water Right 25-13723

SCANNED

NOV 05 2004

FILED

08/09/2004

**NOTICE OF ERROR
REPLY**

RM

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 25-13723

UNITED STATES OF AMERICA ACTING THROUGH
USDI FISH AND WILDLIFE SERVICE
DIVISION OF ENGINEERING
911 N E 11TH AVE
PORTLAND OR 97232-4181
Telephone Number: (503)231-6145

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11/18/2004 SIGNATURE: Michael Eberle Agent for USFWS
Please print your name: Michael Eberle

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

SCANNED
NOV 29 2004

PROFILE

RECEIVED
NOV 29 2004
Department of Water Resources
Eastern Region

SCANNED

AUG 07 2001

Additional Evidence Supporting this
Beneficial Use Claim is found
in the Declaration of Michael N. Fisher

ACROFILMED

NOV 13 1998

A25-13723

eastern

Evidence in Support of Beneficial Use Claims
Of United States Fish & Wildlife Service

The following declarations are submitted in support of the beneficial use claims made by the U.S. Fish & Wildlife Service. Each declaration provides evidence regarding one or more claims, as shown in the cross-referencing index below. In addition, for each applicable claim, the last page of the claim refers to the declaration that supports it. In accord with IDWR practice and instructions, declarations have not been provided for small domestic and stockwater claims or for claims supported by a license.

Index of Fish & Wildlife Service Declarations

<u>No.</u>	<u>Declarant</u>	<u>Sub-basin (report area)</u>	<u>Refuge</u>	<u>Beneficial-Use Claim No. or Title</u>
1.	Martha K. Collins	43 (07)	Minidoka	a. Raft River
		35 (05)	Minidoka	b. Gifford Spring
		35 (05)	Minidoka	c. Gifford Spring & assoc. seeps
		35 (05)	Minidoka	d. Unnamed Seeps-- Gifford Slough
2.	Ronald R. Thomasson	35 (05)	Minidoka	a. Gifford Spring
3.	Michael N. Fisher	25 (14)	Grays Lake	a. 25-4032
	<i>Declaration w/4032</i>			b. 25-4032
				c. 25-4034
				d. 25-4046
				e. Eagle Creek
				f. Hdqtrs Pond
4.	Gerald L. Deutscher	31 (08)	Camas	a. Well No. 1
				b. Well No. 2
				c. Well No. 3
				d. Well Nos 4, 5 & 6.
				e. 31-4014 (Well 9)
				f. 31-4066
5.	Kevin Ryan	63 (13)	Deer Flat	a. 63-5404

MICROFILMED

NOV 13 1980

CIVIL CASE NUMBER: 39576

United States of America
Fish and Wildlife Service

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
4S	43E	35	NE SE		W	

Total Number of Acres Irrigated _____

11. Place of use, county(ies): Bonneville

12. Do you own the property listed above as place of use? Yes.

13. Other Water Rights Used:

14. Remarks: Pond filled with snowmelt runoff from drainage area.

The Grays Lake National Wildlife Refuge was established by the Migratory Bird Conservation Commission on June 15, 1965, for waterfowl nesting and production.

15. Basis of Claim (Check one) Beneficial Use X Posted Notice _____
License _____ Permit _____ Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____

MICROFILMED
NOV 13 1990

R43E

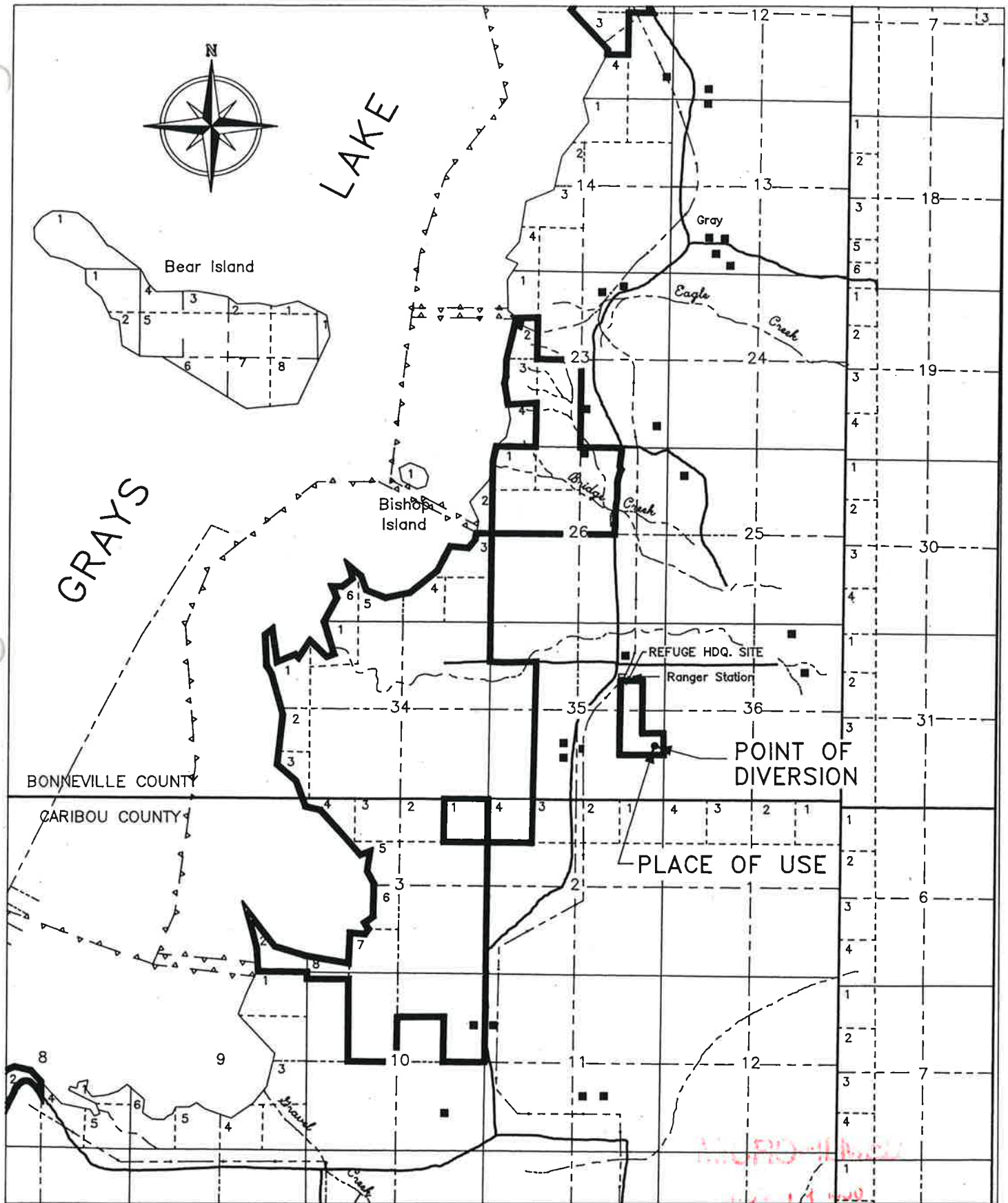
R44E

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WATER RIGHT CLAIM FOR HDQTS. POND

SCALE: 0 1/4 1/2 1 2 3 MILES

AR25-13723